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Appl. No. 10/680,648

Atty. Docket No. 30207US01

REMARKS

This application has been carefully reviewed in light of the Office Action dated March 31, 2005. By way of this amendment, claims 1 and 10 have been amended. Claims 1, 2, 4-6, 8, 10-14, 16 and 19-21 are currently pending in the application. Applicant hereby requests further examination and reconsideration in view of the following remarks.

1. Applicant would like to thank the Examiner for the courtesies extended during the telephone conferences of May 23, 2005 and June 28, 2005, during which the prior art rejection of the claims was discussed. Applicant's representative asserted that the Labonte reference did not show arms fixedly connected to a beam and that the device of Labonte could not be used on a surface defining a 90 degree outside corner. Although no agreement was reached with respect to the claims, possible claim language reciting a 90 degree outside corner was discussed.

2. The Examiner has rejected claims 1-6, 8, 10-14, 16 and 19-21 under 35 U.S.C. § 102(b) as being anticipated by Labonte (6,244,382). This ground of rejection is respectfully traversed in light of the present amendment.

Labonte discloses a ladder attachment comprising an elongated central portion or beam 2 and a pair of diverging spaced arms 30. A cross member 14 comprising independently pivotable sections 16 is connected between the two arms 30. A spring loaded shaft 17 interconnects the beam 2 and an intermediate portion of the cross member 14.

Independent claims 1 and 10 of the present application both recite a ladder stand-off comprising a beam, a first arm, and a second arm. Both the first and second beams are "fixedly connected" at a first end thereof to the beam.

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The arms 30 of Labonte are not "fixedly connected" to the beam 2. Instead, the arms 30 are pivotally attached to the beam 2 via a pin connection as described in lines 57-60 of column 2 in Labonte. Furthermore, lines 24-38 in column 3 of Labonte describe manipulating the shaft 17 to adjust the spacing of the arms 30. Although Labonte describes "locking" the arms 30 at a selected spacing by securing the shaft 17 with a locking pin 23, it is clear that the arms 30 can be easily re-positioned by removing the locking pin 23. The fact that the arms 30 can be temporarily locked does not make them "fixedly connected" to the beam 2. The clear intention of Labonte is that the arms are pivotally connected to the beams. For this reason, applicant submits that Labonte does not anticipate independent claims 1 and 10.

Furthermore, both claims 1 and 10 have been amended to recite that the ladder stand-off can be used with a variety of surfaces including outside corners defining an angle of about 90 degrees. Claim 1 adds that the arms define an unobstructed space therebetween. Labonte does not teach or suggest these claimed features. As shown in the attached Exhibit A, which is a copy of Fig. 2 of the Labonte reference marked-up to show the Labonte device in use on a 90 degree outside corner, the cross member 14 and shaft 17 located between the arms 30 would present an obstruction to the corner. Accordingly, the Labonte device could not be used on a 90 degree outside corner. Applicant further submits that it would not be obvious to modify Labonte to remove the cross member 14 and shaft 17 because to do so would be to destroy a fundamental function of Labonte.

For the above reasons, it is respectfully submitted that independent claims 1 and 10 are allowable over Labonte. Claims 2, 4-6, 8, 11-14, 16 and 19-21 depend from claim 1 or 10 and are thus also believed to be allowable.

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In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of claims 1, 2, 4-6, 8, 10-14, 16 and 19-21 at an early date is solicited.

Respectfully submitted,

6/30/05

Date

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